

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LEWIS and JEREMY MORRIS,

Plaintiffs,

Case No. 09-14792

v.

Hon. John Corbett O'Meara

CITY OF DETROIT, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On December 8, 2009, Plaintiffs filed a complaint containing the following causes of action: Count 1, violation of 42 U.S.C. § 1983, false arrest; Count 2, violation of § 1983, detention and confinement; Count 3, violation of § 1983, conspiracy; Count 4, violation of § 1983, neglecting to prevent violations; Count 5, malicious prosecution; Count 6, malicious abuse of process; Count 7, conspiracy; and Count 8, intentional infliction of emotional distress.

Although alleged civil rights violations brought pursuant to 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Because the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts 5, 6, 7, and 8 of Plaintiffs' complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 10, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 10, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager